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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,254

03/31/2004

Ezra Jacques Elic Eric Setton

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EXAMINER

MEREDITH, LEONARD E

ART UNIT

PAPER NUMBER

2117

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,254

Applicant(s)

SETTON ET AL.

Examiner

Leonard Meredith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/31/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 18, 28, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Apostolopoulos et al. (Us 2003/0007515).

With respect to Claim 8, 18, 28, and 35, Apostolopoulos et al. teaches a system and method comprising: an source control module [0189] to receive a stream having a frame from a transmitter over a transmission path, corresponding to a media content; a synchronization module [00190] coupled to the receiver to provide feedback information regarding transmission of the stream to the transmitter; and a decoder [0196] coupled to the receiver to decode the stream. For the purpose of this assessment, the source control module is an input/output (I/O) module and the Synchronization module is a feedback generator. For the purpose, of this assessment, an article of manufacture is the same as an apparatus or system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11, 21, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957) and John et al. (US 6,665,646).

With respect to Claims 1, 11, 21, and 31, Ichikawa et al. teaches a buffer (fig. 8, #203) to store streaming media content, a selector (fig. 4, #409) to select a transmit frame, and an analyzer (fig. 2, #102) to provide transmission status. Ichikawa does not teach multiple description coding or predictive coding. John et al teaches multiple description coding (col. 2, line 21) and predictive techniques (col. 3, line 32). For the purpose of this application, an apparatus and an article of manufacture are the same and provides the structure or means for the methods. It would have been obvious to one of ordinary skill in the art , at the time of invention , to combine the teachings of Ichikawa et al. and John et al. ensure that an acceptable replica of source data can be generated if any streams are lost.

Claims 2, 12, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957) and John et al. (US 6,665,646) as applied to Claims 1, 11, 21, and 31 above, and further in view of Autechaud et al. (US 6,202,108).

With respect to Claims 2, 12, 22, and 32, the limitations of Claims 1, 11, 21, and 31 as taught by Ichikawa et al. and John et al. apply as stated above. Ichikawa et al. and John et al. does not teach wherein the transmission status is one of a normal and a restart condition. Autechaud et al. teaches restart (col. 12, line 55) and normal (col. 12, line 56) conditions. It would have been obvious to one of ordinary skill in the art , at the time of invention , to combine the teachings of Ichikawa et al., John et al., and Autechaud et al. to maintain an operational state without propagating an error.

Claims 3, 13, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957), John et al. (US 6,665,646) and Autechaud et al. (US 6,202,108) as applied to Claim 2, 12, 22, and 32 above, and further in view of Dillon et al. (4,091,447).

With respect to Claims 3, 13, 23, and 33, the limitations of Claims 2, 12, 22, and 32 as taught by Ichikawa et al., John et al., and Autechaud et al. apply as stated above. Ichikawa et al., John et al., and Autechaud et al. do not teach selecting the transmit frame from the restart stream. Dillon et al. teaches that selectors select the restart (col. 8, line 57). . It would have been obvious to one of ordinary skill in the art , at the time of

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invention , to combine the teachings of Ichikawa et al., John et al., Autechaud et al., and Dillon et al. to avoid a "no operation " condition in the event of an interrupt.

Claims 4, 14, 24, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957), John et al. (US 6,665,646), Autechaud et al. (US 6,202,108), and Dillon et al. (4,091,447) as applied to Claims 3, 13, 23, and 33 above, and further in view of Sparks (4,965,811).

With respect to Claims 4, 14, 24, and 34, the limitations of Claims 3,13, 23, and 33 as taught by Ichikawa et al., John et al., Autechaud et al., and Dillon et al. apply as stated above. Ichikawa et al., John et al., Autechaud et al., and Dillon et al. does not teach selecting the default frame after the transmit frame. Sparks teaches selecting the default (col. 15, line 11) after the transmit frame (col. 16, line 2). It would have been obvious to one of ordinary skill in the art , at the time of invention , to combine the teachings of Ichikawa et al., John et al., Autechaud et al., Dillon et al and Sparks to avoid a delay in transmission.

Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957) and John et al. (US 6,665,646) as applied to Claims 1, 11, 21, and 31 above, and further in view of Bushmitch (5,928,331).

With respect to Claims 5, 15, and 25, the limitations of Claims 1, 11, 21, and 31 as taught by Ichikawa et al. and John et al. apply as stated above. Ichikawa et al. and John et al. does not teach a plurality of description streams that are independently

encoded. Bushmitch teaches multiple description data streams that are independently compressed. For the purpose of this assessment, compression is a form of encoding. It would have been obvious to one of ordinary skill in the art, at the time of invention, to combine the teachings of Ichikawa et al., John et al., and Bushmitch such that an acceptable stream can be recovered from any one stream.

Claims 6, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957) and John et al. (US 6,665,646) as applied to Claims 1, 11,21, and 31 above, and further in view of Cidon et al. (US 6,269,330).

With respect to Claims 6, 16, and 26, the limitations of claim 1 as taught by Ichikawa et al. and John et al. apply as stated above. Ichikawa et al. and John et al. does not teach and analyzer comprising: a delay tracker to track delay characteristics of a transmission path; and probe tracker to keep track of probing packet to be sent over a transmission path to provide path statistics. Cidon et al. teaches an analyzer (fig. 3, #62) comprising a network interface (fig. 3, #150) to track parameters of received packets and a connection table (fig. 3, #154) which includes such information as delay of streams. For the purpose of this assessment, the network interface is a probe tracker and the connection table is a delay tracker. It would have been obvious to one of ordinary skill in the art, at the time of invention, to combine the teachings of Ichikawa et al., John et al., and Cidon et al. to locate faults and evaluate the performance of the network.

Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa et al (4,975,957), John et al. (US 6,665,646), and Cidon et al. (US 6,269,330) as applied to Claims 6, 16, and 26 above, and further in view of Bruckert et al. (5,251,227).

With respect to Claims 7, 17, and 27, the limitations of Claims 6, 16, and 26 as taught by Ichikawa et al., John et al. and Cidon et al. apply as stated above. Ichikawa et al., John et al., and Cidon et al. does not teach an input/output (I/O) module coupled to the selector to transmit the default stream or the restart stream and the probing packets over a transmission path according to the delay characteristics or the path statistics. Bruckert et al. teaches an I/O module (fig. 4, #100). It would have been obvious to one of ordinary skill in the art, at the time of invention, to combine the teachings of Ichikawa et al., John et al., Cidon et al. and Bruckert et al. to connect the data streams with the transmission path.

Claims 9, 19, 29, and 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Apostolopoulos et al. (US 2003/0007515) as applied to Claims 8, 18, 28, and 35 above, and further in view of Hannuksela (US 7,116,714).

With respect to Claims 9, 19, 29, and 36, the Apostolopoulos et al. teaches a decoder. Apostolopoulos et al. does not teach an error concealor. Hannuksela teaches error concealment (col. 2, line 45). It would have been obvious to one of ordinary skill in the art, at the time of invention, to combine the teachings of

Apostolopoulos et al. and Hannuksela such that transmission errors would hardly be visible in the reconstructed video sequence.

Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apostolopoulos et al. (Us 2003/0007515) as applied to Claims 8, 18, and 28 above, and further in view of O'Dowd (5,235,595).

With respect to Claims 10, 20, and 30, the teachings of Apostolopoulos et al. as stated above for Claims 8, 18, and 28 apply. Apostolopoulos et al. does not teach sending an acknowledgement over the transmission path when a stream is received. O'Dowd teaches input/output structures (col. 1, line 34) acknowledging (col. 1, line 63) receipt of packets at the destination. It would have been obvious to one of ordinary skill in the art, at the time of invention, to combine the teachings of Apostolopoulos et al. and O'Dowd to be notified of data transmission status.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard Meredith whose telephone number is 571-270-1723. The examiner can normally be reached on 7:45am - 5:15pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.M.
6-4-2007

C. Britt 6-7-07
CYNTHIA BRITT
PRIMARY EXAMINER